



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/995,715    12/22/97    GENNADIEVICH    I    0971/OD319

DARBY & DARBY  
805 THIRD AVENUE  
NEW YORK NY 10022

WM51/1026

EXAMINER

BRIER, J

ART UNIT

PAPER NUMBER

2672

DATE MAILED:

10/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Advisory Action**

Application No.

08/995,715

Applicant(s)

GENNADIEVICH, IVANOV  
ANATOLY

Examiner

Jeffery A. Brier

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 October 2000 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either a timely filed amendment which places the application in condition for allowance or a Notice of Appeal. Alternatively, applicant may obtain further examination by timely filling a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d).

**PERIOD FOR REPLY [check only a) or b)]**

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136 (a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked.

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.  
3. ☒ The proposed amendment(s) will not be entered because:  
(a) ☒ they raise new issues that would require further consideration and/or search. (see NOTE below);  
(b) ☐ they raise the issue of new matter. (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see page 2.

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see page 2.  
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 25-37.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.  
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.  
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
11. ☐ Other:

Jeffery A. Brier  
Primary Examiner  
Art Unit: 2672

***Response to Amendment***

1. The proposed amendment "a two dimensional fragment of an image" to claims 25, 28, 30, and 34 raises new issues. The proposed amendment "the step of generating a raster comprises successively generating images" to claims 31 and 35 raises new issues.

***Response to Arguments***


2. Applicant's arguments filed 10/16/2000 have been fully considered but they are not persuasive. The substitute drawings submitted on 02/01/2000 were objected to, in the final rejection, as raising new matter issues. The arguments presented on page 7 does not overcome the new matter objection. Applicant argues that figures 1-8 are supported by the specification. It should be noted that the substitute drawings do not have a figure 8. Applicants argument is not persuasive because the details of substitute figures 1-7 are not present in the originally filed specification. MPEP 608.04. Thus, the substitute drawings are new matter. In a CCPA court case the court wrote "The appellant did not seek review of that holding of the examiner by petition or appeal and it accordingly became final and is not subject to review here. It may be noted, however, that a comparison of the original and proposed substitute specifications and drawings shows that the examiner's holding was clearly correct." In re McIntosh, 109 USPQ 101 (CCPA 1956). Note MPEP 608.04(c).

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

  
Jeffery A Brier  
Primary Examiner  
Art Unit 2779